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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,680

Applicant(s)

GABRIEL ET AL.

Examiner

DENNIS MYINT

Art Unit

2162

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/29/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on June 18, 2008.
2. Claims 1-27 and 29 are currently pending in this application. Claims 1, 16, 18, 19, 26, 27, and 29 are independent claims. In the Amendment filed on June 18, 2008, claims 19, 23, 27, and 29 were amended. It is noted that Applicant has incorrectly stated that *"With the cancellation of claim 28, claims 23 to 27 and 29 are currently pending in the present application"* (Applicant's remarks, page 8, first paragraph). It is pointed out that claims 1-27 and 29 are currently pending in this application.
3. In light of Applicant's explanation, objection made to claim 26-27 and rejection of claim 27 under 35 U.S.C. 112 in the prior office action are hereby withdrawn.
4. In light of the amendments made claim 19 and 22, rejection of said claim under 35 U.S.C. § 112 in the prior office action is hereby withdrawn.

Claim Objections

5. Claim 29 objected to because of the following informalities: the claim in lines 6-7 recites *"one search criteria and the user profile **including based on** the identification of the preferred media distribution sources of the user profile*. It is respectfully suggested to drop "including" from the limitation. Appropriate correction is required.

Current data storage on a network is oftentimes arranged in what is known as a Network Attached System (NAS) in which a plurality of clients, for example, user terminals such as user computers, are connected to a network to a server or storage system which either has storage arrays built into the storage system, or are somehow connected to cabinets containing storage arrays. Examples of such servers might be a server such as is available from Sun Microsystems connected to a cabinet composed of a storage array such as those available under the names Symmetrix or Clariion available from EMC Corporation

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 11 in lines 6-8 recites "if said query matches a categorized query in a set of categorized queries, then establishing the category estimates for said query based on one or more categories associated with said categorized query" and in line 15 recites "establishing the category estimates for said query based on said comparison". However, the specification of the instant application fails to provide proper antecedent basis for establishing the category estimates based on one or more categories associated with said categorized query if said query matches a categorized query in a set of categorized queries.

Similarly, claim 11 in lines 16-17 recites "storing,, in a computer readable medium, data that indicates the category estimates determined for said query". However, the specification of the instant application fails to provide proper antecedent basis for storing,, in a computer readable medium, data that indicates the category estimates determined for said query.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 18 in line 6 recites "*a computer-readable storing medium storing*"; however, the specification of the instant application fails to recite said "computer-readable storing medium".

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "computer-readable storing medium" as recited in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 18, the claim is directed to "computer-readable storing medium". However, the specification of the claimed invention fails to describe/limit said "computer-readable storing medium" and said "computer-readable storing medium" is given broadest, reasonable interpretation to include communications medium such as

wireless signals/waves. Wireless signals/waves are not statutory. As such, claim 18 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson et al. (hereinafter "Williamson", U.S. Patent Application Publication Number 2003/0208767) in view of Willis et al., (hereinafter "Willis", U.S. Patent Application Publication Number 2004/0003097).

As per claim 1, Williamson is directed to a method for searching for media content (Williamson, Paragraph 0135-0137) and teaches the limitations:

"receiving from a user a user profile which identifies preferred media distribution sources" (Williamson, Paragraph 0102, i.e., *Referring to FIG. 16, a user may create a new profile by using select key 960 of remote control 900 to select the "Create New **Profile**" link from Favorites submenu 1420 to display search parameters from which a user may choose (1450). These parameters may include programming*

*category, actor(s) name, program title, director, keyword and the like; Williamson, Paragraph 0102, i.e., Similarly, a user may create a **profile** which provides a user access to all available programming on a certain topic. For example a **profile relating to cooking may include in-progress broadcasts, past broadcasts and out-of-market cooking programs**. In such circumstances, the user may associate a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations", etc.) and access each of the multiple profiles at different times; and Williamson, Paragraph 0084, i.e., .. My Shows GUI 1100B lists several categories to assist a user in locating a program through the My Shows feature. Some of these categories may be temporal in nature; that is, a user's reserved programs may be categorized by those programs that are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future) or by the reservation date of the program. In one embodiment of the invention, programs that are categorized by reservation date are listed in chronological order beginning with shows that have been most recently reserved (1100C) or in reverse chronological order);*

“receiving a search request from a user including at least one search criteria” (Williamson, Paragraph 0099, i.e., *Through the user interface, **users can then search program data** for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs* and 0135-0157 , i.e. **A search may include one of these parameters or multiple parameters**);

“searching (a plurality of media distribution source types) for media content based on the at least one search criteria and the user profile”

(Williamson, Paragraph 0099, and Paragraph 0102 and 0135-0157) ;

“a schedule including schedule information regarding the media content” (Williamson, Figures 12, 13, and 14, and Paragraph 0079, i.e., *For example, by pressing guide key 920 on remote control 900 while viewing a program channel display 1010 in FIG. 12 (which may be a live or played back TV show, movie, music video, service or the like), a user may access interactive program guide 1020, which includes program viewing window 1040, current time and channel indicator 1045, program description box 1050, program grid 1060 and menu display 1065*) and **“displaying the schedule to the user”** (Williamson, Figures 12, 13, and 14, and Paragraph 0079).

Williamson does not explicitly teach the limitations: “a plurality of distribution source types” and “generating, from results of the searching, (a schedule including scheduling information regarding the media content)”. Note that the limitation in the parenthesis is taught by Williamson in Paragraph 0079 and Figures 12, 13, and 14).

On the other hand, Willis teaches the limitations:

“a plurality of distribution source types” (Willis, Paragraph 0003, i.e., *Such sites are generally known as “**portals**,” and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores,***

and movie listings; Paragraph 0015, i.e., *In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television*; Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below*; and Paragraph 0094, i.e., *One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard*); and

“generating, from results of the searching, (a schedule including scheduling information regarding the media content)” (Willis, Paragraph 0085, i.e., *FIG. 1 is an example of a content presentation system including a system 100. In FIG. 1, external information from an external information source 105 is received by a content generator 110, which generates a corresponding article. Many types of external information sources 105 may be used, as will be discussed in more detail with respect to FIG. 2. Also, content generator 110 may utilize various techniques for gathering and publishing the information as discrete articles. For example, **content generator 110 may utilize software agents to gather appropriate information (agents are generally defined as automatons running “on a scheduled basis” and querying a data source for information and either producing or not producing content based***

in part on the result of that query). Moreover, in other implementations, content generator 110 may be included within system 100; Willis Paragraph 0089, i.e., *In FIG. 1, then, an article reader 115 accesses articles from content generator 110. Some articles may already include attribute and content metadata information. If a particular article has no associated metadata, a metadata enhancer 120 may be used to examine the content of the article and generate metadata accordingly.* Even if some information, such as attribute information, is included with an article, metadata enhancer 120 may be used to further enhance the article; Willis Paragraph 0096, i.e., *By accessing databases 135 and 140, content-based router 130 is able to filter articles which are restricted or are of no interest with respect to a particular user. The action of content-based router 130 thus eases the burden on a personalized article processor ("PAP") 145, which has the job of individually prioritizing the remaining articles, based on a comparison of contents of the user preference database 140 to the content and to the content metadata/attributes of each article.* See also Willis paragraph 0107 and Paragraphs 0129, 0262, and 0278. Also see Paragraph 0110 of Willis, i.e., *a pool of articles from which a subset for each user will be drawn).*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Williamson to combine with the features of searching a plurality of media distribution source types and searching results on periodic basis, as taught by Willis, so that the combined method would comprise searching a plurality of media distribution source types for media content on periodic basis and generate, from results of the searching, a schedule including scheduling

information regarding the media content. One would have been motivated to do so in order to allow users to designate categories of information in which desired content may be presented (Willis, Paragraph 0003).

As per claim 2, Williamson in view of Willis teaches the limitation:

“wherein the media content includes at least one of a video, audio, a still image, printed material, text, a movie, and a television program” (Williamson, Paragraphs 0039 and 0066).

As per claim 3, Williamson in view of Willis teaches the limitation:

“wherein the information regarding the media content includes availability information that indicates availability of media content, which meets the at least one search criteria, from at least one of the preferred media sources” (Williamson, Paragraph 0084, i.e. *upcoming programs* (i.e. programs that are scheduled to be reserved but has yet to be broadcast) *and recommended programs*... and Willis Paragraphs 0003, 0088, and 0094).

As per claim 4, Williamson in view of Willis teaches the limitation:

“wherein the availability information includes at least two of movie theater show time data, television broadcast data, and retail data” (Williamson, Paragraph 0084, i.e. *upcoming programs* (i.e. programs that are scheduled to be

reserved but has yet to be broadcast) *and recommended programs...*; Paragraph 0086, i.e. *upcoming* (i.e. to be broadcast in the future) *or by the reservation date of the program*; and Paragraph 0088, i.e., *broadcast time for current and future reserved programs, rating (such as G, PG-13 and R....and Willis Paragraph 0003, i.e., In this way, users can check, for example, their stocks, mail, local weather, sports scores, and movie listings).*

As per claim 5, Williamson in view of Willis teaches the limitation:

“wherein the search for media content is performed on at least one database” (Williamson, Figure 1: Library Manager 113, ; Paragraph 0048, i.e. ...*forwards the same to library manager 113 for long-term storage*; and Paragraph 0039, i.e., *database services*).

As per claim 6, Williamson in view of Willis teaches the limitation:

“wherein the user profile includes at least one of a zip code and a television provider data” (Williamson, Paragraph 0150, i.e. ... *having specified zip codes*).

As per claim 7, Williamson in view of Willis teaches the limitation:

“providing online purchase capabilities such that the user is able to purchase at least one of the media content, tickets to view or hear the media

content, and merchandise related to the media content” (Williamson, Paragraph 0127-0128, i.e.*including Add Video to Shopping Cart 3321, Buy CD 3322, Buy Video 3323, Concert Information 3324, MP3 Download 3325 and Photos 3326*).

As per claim 8, Williamson in view of Willis teaches the limitation:

“wherein the plurality of media distribution source types includes at least two of: i) at least one movie theater source type, ii) a local cable TV or satellite TV provider source type, iii) preferred online retailer source type” (Williamson, Paragraph 0039, i.e., *Headend 105 receives programs and services from various providers and sources, e.g., analog and digital satellite sources, application servers, media servers, the Internet etc.*; and Willis Paragraph 0003, i.e., *In this way, users can check, for example, their stocks, mail, local weather, sports scores, and movie listings*).

As per claim 9, Williamson in view of Willis teaches the limitation:

“wherein the search criteria includes at least one of title data, cast member data, and director data” (Williamson, Paragraph 0102, i.e., *These parameters may include programming category, actor(s) names, program title, director, keyword and the like*).

As per claim 10, Williamson in view of Willis teaches the limitation:

“wherein the information regarding the media content is displayed on at least one of: i) a display associated with a set-top box, ii) a display of a computer arrangement, a TV, a wireless device, and a cell phone” (Williamson, Figures 12-16, Paragraph 0070, and Paragraph 0095).

As per claim 11, Williamson in view of Willis teaches the limitation:

“notifying the user in the future when the media content becomes available from at least one of the preferred media distribution sources, if the media content is not currently available from the at least one of the preferred media distribution sources” (Williamson, Paragraph 0150-0153, “Messaging Service” and Willis Paragraphs 0003, 0088, and 0094).

As per claim 12, Williamson in view of Willis teaches the limitation:

“notifying the user in the future when the media content becomes available from at least one non-preferred media distribution source” (Williamson, Paragraph 0150-0153, i.e., *Messaging Service* and Paragraph 0139-0148, i.e., *Commercial Targeting and Playback Monitoring*; and Willis Paragraphs 0003, 0088, and 0094).

As per claim 13, Williamson in view of Willis teaches the limitation:

“wherein the user is notified via at least one of email, instant message, and postal mail” (Williamson, Paragraph 0150-0153, i.e., *Messaging Service*).

As per claim 14, Williamson in view of Willis teaches the limitation:

“periodically searching for the availability information related to at least one of the preferred media distribution sources if the media content is not currently available from the at least one of the preferred media distribution sources” (Williamson, Paragraph 0084, i.e. ...*recommended programs* (i.e., programs that the system reserves automatically based on user profile.; and Willis Paragraphs 0003, 0085, 0088, and 0094).

As per claim 15, Williamson in view of Willis teaches the limitation:

“requesting a user notification of when the media content becomes available from at least one preferred media distribution source, if the media content is not currently available from the at least one preferred media distribution source” (Williamson, Paragraph 0151, i.e., *The subscriber content level*; and Willis Paragraphs 0003, 0088, and 0094).

As per claim 16, Williamson in view of Willis teaches the limitations:

“determining an availability of the media content from a plurality of media distribution sources that are selected” (Willis, Paragraph 0003, i.e., *Such*

sites are generally known as **"portals,"** and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings**; Paragraph 0015, i.e., In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television; Paragraph 0088, i.e., Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below; and Paragraph 0094, i.e., One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard); Willis, Paragraph 0085, i.e., FIG. 1 is an example of a content presentation system including a system 100. In FIG. 1, external information from an external information source 105 is received by a content generator 110, which generates a corresponding article. Many types of external information sources 105 may be used, as will be discussed in more detail with respect to FIG. 2. Also, content generator 110 may utilize various techniques for **gathering and publishing the information as discrete articles**. For example, content generator 110 may utilize software agents to gather appropriate information (agents are generally defined as automotons running "on a scheduled basis"

*and querying a data source for information and **either producing or not producing** content based in part on the result of that query) “in accordance with at least one **user selection interpreted based on a user-profile, the plurality of media distribution sources including different types of media distribution sources”***

*(Williamson, Paragraph 0084, i.e., **My Shows GUI provides a user with a list of available programs that have been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, the My Shows GUI enables a user to find, sort and manage programs, including reserved programs (i.e., programs that have already been reserved and are currently available for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but have yet to be broadcast) and recommended programs (i.e., programs that the system reserves automatically based on user profile)**; Williamson, Paragraph 0099, i.e., **s multiple users in a household may establish one or more personal profiles that enables users to sort content and channels by the user's personal content preferences**);*

“generating, based on determination, a schedule including information regarding the availability of the media content from the plurality of media distribution sources” (Willis Paragraph 0003 and 0085 in view of Williamson Paragraph 0084 and figures 12-16); and

“displaying the schedule on a single page” (Williamson Figures 12-16; and Willis Paragraphs 0003, 0088, and 0094).

As per claim 17, Williamson in view of Willis teaches the limitation:

“allowing a user to request, from the single page, notification in the future when the media content becomes available from at least one of the media distribution sources, if the media content is not currently available from the at least one of the media distribution sources” (Williamson, Figures 12-16 and Paragraph 0151, i.e.*those users who request baseball programs frequently may be grouped as baseball fan-users. Thus the **messaging service** in question may from time to time provide targeted messages concerning baseball games, equipment, etc. to such baseball fan-users. In addition, the messaging service may provide personal messages to a user, including messages concerning the user's account, an expiration of the user's reserved program, etc.*; and Willis Paragraphs 0003, 0088, and 0094).

Claim 18 is essentially the same as claim 1 except that it set forth the claimed invention as a system rather than a method for searching for media content and rejected for the same reasons as applied hereinabove. Williamson teaches “a processor” (Williamson Figure 1, i.e., *A/S Processor 109;*) and “*at least one computing arrangement configured to communicate with the processor via a communications*

networks" (Williamson, paragraphs 0038-0039). Also note paragraph 0094-0095 of Willis for "communications networks".

Claim 19 is essentially the same as claim 1 except that it set forth the claimed invention as a hardware-implemented apparatus rather than a method for searching for media content and rejected for the same reasons as applied hereinabove.

As per claim 20, Williamson in view of Willis teaches the limitations:

"interpreting at least a portion of the at least one search criteria in accordance with user profile" (Williamson, Paragraph 0101, i.e., *If the user wants to find a program that meets the parameters of the user's existing Favorite profile, the "Find Favorite Shows" feature is selected from the Favorites submenu 1420 ; and Figure 15: Continue to narrow search until one or two criteria have been established, e.g., Actor's name + category; Williamson, Paragraph 0084, i.e., My Shows GUI provides a user with a list of available programs that have been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, the My Shows GUI enables a user to find, sort and manage programs, including reserved programs (i.e., programs that have already been reserved and are currently available for viewing), upcoming programs (i.e., programs*

*that are scheduled to be reserved but have yet to be broadcast) and recommended programs (i.e., programs that the system reserves automatically **based on user profile**); Williamson, Paragraph 0099, i.e., s multiple users in a household may establish **one or more personal profiles** that enables users to sort content and channels by **the user's personal content preferences**) and*

“where the searching is based, at least in part on interpreting”

(Williamson, Paragraph 0101 and Figure 15; Note that any search involves interpreting search criteria; Williamson, Paragraph 0084, i.e., *My Shows GUI provides a user with a list of available programs that have been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, **the My Shows GUI enables a user to find, sort and manage programs, including reserved programs (i.e., programs that have already been reserved and are currently available for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but have yet to be broadcast) and recommended programs (i.e., programs that the system reserves automatically **based on user profile**); Williamson, Paragraph 0099, i.e., s multiple users in a household may establish **one or more personal profiles** that enables users to sort content and channels by **the user's personal content preferences**).***

Claim 21 is essentially the same as claim 20 except that it set forth the claimed invention as a system rather than a method for searching for media content and rejected for the same reasons as applied hereinabove.

Claim 22 is essentially the same as claim 20 except that it set forth the claimed invention as a hardware-implemented apparatus rather than a method for searching for media content and rejected for the same reasons as applied hereinabove.

As per claim 23, Williamson in view of Willis teaches the limitations:

“generating from the results of the searching an intermediate result page including a plurality of media content titles of the results” (Willis, Paragraph 0125, i.e., *FIG. 8 demonstrates an example of an HTML result page 800 that includes article 700. Page 800 is generally organized like a newspaper front page, having a headline 805 (which in this case indicates the enterprise sponsoring the page). A main story 810, corresponding to article 700, is shown in the upper middle portion of the page. A section 815 shows current levels of the Dow Jones, NASDAQ, and S&P 500. The rest of page 800 includes additional hypothetical articles not previously described*; Willis' HTML result page maps to the *intermediate result page* of the claimed invention);

“wherein the schedule is generated” (Williamson, Figures 12, 13, and 14, and Paragraph 0079, i.e., *For example, by pressing guide key 920 on remote control 900 while viewing a program channel display 1010 in FIG. 12 (which may be a live or*

played back TV show, movie, music video, service or the like), a user may access interactive program guide 1020, **which includes program viewing window 1040, current time and channel indicator 1045, program description box 1050, program grid 1060 and menu display 1065**) "responsive to a selection of one of the titles of the **intermediate results page**" (Willis, Paragraph 0126, i.e., *The filtering, sorting, prioritizing, and paginating processes already described determine whether an article is displayed in full size (for example, article 700 in section 810), simply as a link (for example, links within sections 820, 825, 830, 835, 840, and 850, which are shown grouped together with similar articles), with a "more" link (not shown) that does not include any details but allows access to additional articles*) and "includes scheduling exclusively regarding the selected title" (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs*). Note that in the method of Williamson in view of Willis as a combination, a user can select a title (Williamson) from the intermediate result page (Willis) which includes links which could be selected to access more results, that is, generate schedule (s) (as taught by Williamson) **"and pertaining to multiple ones of the plurality of media distribution source types"** (Willis, Paragraph 0003, i.e., *Such sites are generally known as "portals," and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their stocks, mail, local weather, sports scores, and movie listings*; Paragraph 0015, i.e., *In another implementation, a system*

combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television; Paragraph 0088, i.e., Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below; and Paragraph 0094, i.e., One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard).

As per claim 24, Williamson in view of Willis teaches the limitations:

“wherein the searching is exclusively within content provided by the preferred media distribution sources” (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs and 0135-0157, i.e. A search may include one of these parameters or multiple parameters; Paragraph 0102, i.e., Similarly, a user may create a profile which provides a user access to all available programming on a certain topic. For example a profile relating to cooking may include in-progress broadcasts, past broadcasts and out-of-market cooking programs. In such circumstances, the user may associate a descriptive*

name to the profile (such as "Weekend Programs", "My Cooking Stations", etc.) and "is for media content that satisfies the search criteria" (Williamson, Paragraph 0099, i.e., Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs).

As per claim 25, Williamson in view of Willis teaches the limitations:

"the user profiles identifies, for each of a plurality of source types, respective preferred distribute sources" (Williamson, Paragraph 0102, i.e., Referring to FIG. 16, a user may create a new profile by using select key 960 of remote control 900 to select the "Create New **Profile**" link from Favorites submenu 1420 to display search parameters from which a user may choose (1450). These parameters may include programming category, actor(s) name, program title, director, keyword and the like; Paragraph 0102, i.e., Similarly, a user may create a profile which provides a user access to all available programming on a certain topic. For example **a profile relating to cooking may include in-progress broadcasts, past broadcasts and out-of-market cooking programs**. In such circumstances, the user may associate a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations", etc.) and access each of the multiple profiles at different times; and Paragraph 0084, i.e., .. My Shows GUI 1100B lists several categories to assist a user in locating a program through the My Shows feature. Some of these categories may be temporal in

*nature; that is, a user's reserved programs may be categorized by those programs that are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future) or by the reservation date of the program. In one embodiment of the invention, programs that are categorized by reservation date are listed in chronological order beginning with shows that have been most recently reserved (1100C) or in reverse chronological order); Willis, Paragraph 0003, i.e., Such sites are generally known as "portals," and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings**; Paragraph 0015, i.e., In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television; Paragraph 0088, i.e., Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below; and Paragraph 0094, i.e., One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard);*

“the search criteria includes a selection of a subset of the source types”

(Paragraph 0084, i.e., .. My Shows GUI 1100B lists **several categories** to assist a user

*in locating a program through the My Shows feature. Some of these categories may be temporal in nature; that is, a user's reserved programs may be categorized by those programs that **are in-progress** (i.e., currently broadcast), **upcoming** (i.e., to be broadcast in the future) or by the reservation date of the program. In one embodiment of the invention, programs that are categorized by reservation date are listed in chronological order beginning with shows that have been most recently reserved (1100C) or in reverse chronological order) ; and*

“responsive to the search request” (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs* and 0135-0157, i.e. *A search may include one of these parameters or multiple parameters*), **“the search is performed within content provided by the preferred media distribution sources of the selected subsets of the source types”** (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs*).

As per claim 26, Williamson in view of Willis teaches the limitations:

“receiving from a user a user profile which identifies preferred media distribution sources” (Williamson, Paragraph 0102, i.e., *Referring to FIG. 16, a user*

*may create a new profile by using select key 960 of remote control 900 to select the "Create New **Profile**" link from Favorites submenu 1420 to display search parameters from which a user may choose (1450). These parameters may include programming category, actor(s) name, program title, director, keyword and the like; Paragraph 0102, i.e., Similarly, a user may create a profile which provides a user access to all available programming on a certain topic. For example a **profile relating to cooking may include in-progress broadcasts, past broadcasts and out-of-market cooking programs**. In such circumstances, the user may associate a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations", etc.) and **access each of the multiple profiles at different times**; and Paragraph 0084, i.e., .. My Shows GUI 1100B lists several categories to assist a user in locating a program through the My Shows feature. Some of these categories may be temporal in nature; that is, a user's reserved programs may be categorized by those programs that are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future) or by the reservation date of the program. In one embodiment of the invention, programs that are categorized by reservation date are listed in chronological order beginning with shows that have been most recently reserved (1100C) or in reverse chronological order);*

"receiving a search request from a user including at least one search criteria" (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs and 0135-0157, i.e. A search may include one of these parameters or multiple parameters);*

“searching a plurality of media distribution source types for media content based on the at least one search criteria and the user profile”

(Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs* and 0135-0157, i.e. *A search may include one of these parameters or multiple parameters*; Willis, Paragraph 0003, i.e., *Such sites are generally known as “**portals**,” and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings***; Paragraph 0015, i.e., *In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television*; Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below*; and Paragraph 0094, i.e., *One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard*);

“generating, from results of the searching, a result page including a first section having information of the results that applies to all of the media distribution source types from which the results were obtained” (Willis, Figure 8 and Paragraph 0126, i.e., *“The filtering, sorting, prioritizing, and paginating processes already described determine whether an article displayed in full size (for example, article 700 in section 810), simply as a link (for example, links within sections 820, 825, 830, 835, 840, and 850, which are show grouped together with similar articles), with a more “link” (not show) that does not include any details but allows access to additional articles, or not at all (in case there is no room on the screen). The rules under which the articles are rendered generally take into accounts both subjective (that is , according to user preferences) and objective (that is , according to the author) levels of importance assigned to each article and its content); Note that inks within sections 820, 825, 830, 835, 840, and 850, which are show grouped together with similar articles* maps “a first section” of claim 26) , and, **“for each of the media distribution source types from which the results were obtained, a respective second section having all of the results obtained from the respective media distribution source type”** (Willis, Figure 8 and paragraph 127, i.e., *In Fig 8, the highest-ranking article occupies a central location. If two or more articles are categorized as highest ranking, then a number of options are available for deciding how and whether to display them. Examples include: (i) one article could be selected, at random or otherwise, (ii) all, or some, of the articles could be rotated in and out of the*

page (which uses time slicing as well as real estate allocation), (iii) if there is enough space, then all of the articles could be displayed, or at least part of each of them, for example, by giving each article the same amount of space or allocating space based on priority, and (iv) one article could be selected for full, or primary display, and the others could be identified with links indicating title of the article or with a "more" link";

Note that Figure 8 only one of a plurality of possible display layouts. If there is enough space on the screen, the method and system of Willis displays a first section containing similar articles grouped together as links (as in **"inks within sections 820, 825, 830, 835, 840, and 850, which are show grouped together with similar articles"** of the exemplary Figure 8) and all or part of each article would be displayed in the second section, which are obtained from respective media distribution source); and

"displaying the result page" (Figure 8 of Willis).

As per claim 27, Williamson in view of Willis teaches the limitations:

"responsive to a request for media content suggestions" (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs* and 0135-0157, i.e. *A search may include one of these parameters or multiple parameters*), "periodically" (Willis, Paragraph 0085, i.e., **"on a scheduled basis"**):

“searching for media content of a plurality of media distribution source types” (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs*; Willis, Paragraph 0003, i.e., *Such sites are generally known as “portals,” and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings***; Paragraph 0015, i.e., *In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television*; Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below*; and Paragraph 0094, i.e., *One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard*), **“the searching begin in accordance with at least one of a user viewing history and a user purchase history”** (Paragraph 0084, i.e., .. *My Shows GUI 1100B lists several categories to assist a user in locating a program through the My Shows feature. Some*

*of these categories may be temporal in nature; that is, a user's reserved programs may be categorized by those programs that are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future) or by the reservation date of the program. In one embodiment of the invention, programs that are categorized by reservation date are listed in chronological order beginning with shows that have been most recently reserved (1100C) or in reverse chronological order; Williamson, Paragraph 0102, i.e., Similarly, a user may create a profile which provides a user access to all available programming on a certain topic. For example a profile relating to cooking may include in-progress broadcasts, past broadcasts and out-of-market cooking programs. In such circumstances, the user may associate a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations", etc.) and access each of the multiple profiles **at different times**); and*

"displaying the results of the search" (Williamson, Figures 12, 13, and 14, and Paragraph 0079).

10. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson in view of Willis and further in view of Sheikh et al., (hereinafter "Sheikh", U.S. Patent Application Publication Number 2002/0078382).

As per claim 29, Williamson in view of Willis as applied to claim 1 teaches the limitations:

“receiving from a user a user profile which identifies preferred media distribution sources” (Williamson, Paragraph 0102 and Paragraph 0102) “which are of a plurality of media distribution source types” (Willis, Paragraphs 0003, 0088, and 0094);

“receiving a search request from a user including at least one search criteria” (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs*);

“searching the preferred media distribution sources for media content based on the at least one search criteria and the user profile” (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs*);

“generating, from the results of the searching” (Willis, Paragraphs 0085, 0089, 0096, and 0110), “a schedule including scheduling information regarding the media content of the returned results” (Williamson, Figures 12, 13, and 14, and Paragraph 0079); and “displaying the schedule to the user” (Williamson, Figures 12, 13, and 14, and Paragraph 0079);

“periodically searching the plurality of media distribution source types for media content, the periodic searching being unconstrained by at least one of the at least one search criteria, the user profile, and the identification of the

preferred media distribution sources of the user profile” (Willis, Paragraph 0085, i.e., FIG. 1 is an example of a content presentation system including a system 100. In FIG. 1, external information from an external information source 105 is received by a content generator 110, which generates a corresponding article. Many types of external information sources 105 may be used, as will be discussed in more detail with respect to FIG. 2. Also, content generator 110 may utilize various techniques for gathering and publishing the information as discrete articles. For example, content generator 110 may utilize software agents to gather appropriate information (agents are generally defined as automaton running **“on a scheduled basis” and querying a data source for information and either producing or not producing content** based in part on the result of that query). Moreover, in other implementations, content generator 110 may be included within system 100; Note that periodic querying of the method of Willis is not constrained by user profile); **“based on the identification of the preferred media distribution sources of the user profile”** (Williamson, Paragraph 0102, i.e., Referring to FIG. 16, a user may create a new profile by using select key 960 of remote control 900 to select the **“Create New Profile”** link from Favorites submenu 1420 to display search parameters from which a user may choose (1450). These parameters may include programming category, actor(s) name, program title, director, keyword and the like; Paragraph 0102, i.e., Similarly, a user may create a profile which provides a user access to all available programming on a certain topic. For example **a profile relating to cooking may include in-progress broadcasts, past broadcasts and out-of-market cooking programs**. In such circumstances, the user may associate a

*descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations", etc.) and **access each of the multiple profiles at different times**; and Paragraph 0084, i.e., .. My Shows GUI 1100B lists several categories to assist a user in locating a program through the My Shows feature. Some of these categories may be temporal in nature; that is, a user's reserved programs may be categorized by those programs that are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future) or by the reservation date of the program. In one embodiment of the invention, programs that are categorized by reservation date are listed in chronological order beginning with shows that have been most recently reserved (1100C) or in reverse chronological order) and*

"responsive to a return of results by the periodic searching: generating, from the results of the periodic searching" (Willis, Paragraphs 0085, 0089, 0096, and 0110), "the schedule" (Williamson, Figures 12, 13, and 14, and Paragraph 0079); and

"displaying the schedule to the user" (Williamson, Figures 12, 13, and 14, and Paragraph 0079).

Williamson in view of Willis does not explicitly teach the limitations: "if the searching returns results" and "if the searching does not return any results".

On the other hand, Sheikh teaches the limitations:

"if the searching returns results" (Sheikh, Paragraph 0053, i.e., *If no result is returned, the agent transport waits a set period of time and reexecutes the sensor in*

Step 620. If data is returned by the sensor, the agent transport encrypts the result and writes the data to the disc on the host sensor in Step 624 for further treatment) and

*“if the searching does not return any results” (Sheikh, Paragraph 0053, i.e., **If no result is returned**, the agent transport waits a set period of time and reexecutes the sensor in Step 620. If data is returned by the sensor, the agent transport encrypts the result and writes the data to the disc on the host sensor in Step 624 for further treatment).*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Williamson in view of Willis to add the feature of making a decision on whether a search returns results or not and performing actions based on said decision, as taught by Sheikh, to the method of Williamson in view of Willis, so that the resultant method would determine if the searching returns results and if it does, would generate results and if it does not, it would keep on searching periodically to obtain results. One would have been motivated to do so in order to “monitor changes” (Sheikh, Paragraph 0009) (in data sources).

Response to Arguments

11. Applicant's arguments filed on June 18, 2008, have been considered but are not persuasive.

Referring to claims 1, 18, and 19, “*Willis et al.*, does not disclose or suggest generating a schedule based on the filtered articles” (Applicant's arguments, page 12 fourth paragraph) and that “a schedule provided by *Williamson et al.*, are not results of

a search of a plurality of media distribution source types" (Applicant's argument, page 12 fourth paragraph).

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1] Interpretation of Claims-Broadest Reasonable Interpretation.

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response it is pointed out that Williamson in view of Willis teaches "generating a results information of a certain type gleaned from the various filtered articles" (Willis, Paragraph 0085, i.e., *FIG. 1 is an example of a content presentation system including a system 100. In FIG. 1, external information from an external information source 105 is received by a content generator 110, which generates a corresponding article. Many types of external information sources 105 may be used, as will be discussed in more detail with respect to FIG. 2. Also, content generator 110 may utilize various techniques for gathering and publishing the information as discrete articles. For example, content generator 110 may utilize software agents to gather appropriate information (agents are generally defined as automations running "on a scheduled basis" and querying a data*

source for information and either producing or not producing content based in part on the result of that query). Moreover, in other implementations, content generator 110 may be included within system 100; Willis Paragraph 0089, i.e., In FIG. 1, then, an article reader 115 accesses articles from content generator 110. Some articles may already include attribute and content metadata information. If a particular article has no associated metadata, a metadata enhancer 120 may be used to examine the content of the article and generate metadata accordingly. Even if some information, such as attribute information, is included with an article, metadata enhancer 120 may be used to further enhance the article; Willis Paragraph 0096, i.e., By accessing databases 135 and 140, content-based router 130 is able **to filter articles which are restricted or are of no interest with respect to a particular user**. The action of content-based router 130 thus eases the burden on **a personalized article processor ("PAP") 145**, which has the job of individually prioritizing the remaining articles, based on a comparison of contents of the user preference database 140 to the content and to the content metadata/attributes of each article. See also Willis paragraph 0107 and Paragraphs 0129, 0262, and 0278. Also see Paragraph 0110 of Willis, i.e., a pool of articles from which a subset for each user will be drawn) and **"generate a schedule"** (Williamson, Figures 12, 13, and 14, and Paragraph 0079, i.e., For example, by pressing guide key 920 on remote control 900 while viewing a program channel display 1010 in FIG. 12 (which may be a live or played back TV show, movie, music video, service or the like), a user may access interactive program guide 1020, **which includes program viewing window 1040, current time and channel indicator 1045**, program description box

1050, program grid 1060 and menu display 1065) "results obtained from a searching a plurality of media distribution source types" (Willis, Paragraph 0003, i.e., *Such sites are generally known as "portals," and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings***; Paragraph 0015, i.e., *In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television*; Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below*; and Paragraph 0094, i.e., *One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard*).

Note that the method of Williamson in view of Willis as a combination would generate, from results of the searching (Willis), a scheduling including scheduling information (Williamson) from searching a plurality of media distribution source types (Willis).

Applicant also argued that *"the modified system would not disclose or suggest the features of any of claim1, 18, and 19"* (Applicant's argument page 12 fourth

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paragraph).

In response, it is pointed out that the method of Williamson in view of Willis as a combination would generate, from results of the searching (Willis), a scheduling including scheduling information (Williamson) from searching a plurality of media distribution source types (Willis).

Applicant also argued that *"one skilled in the art would not arrive at the features of any claims of 1, 18, and 19 based on the combination of Williamson et al., and Willis et al., without an improper hindsight reconstruction based on Applicant's disclosure"* (Applicant's argument, page 13, second paragraph).

In response, it is pointed out that one of ordinary skill in the art would have been motivated to combine the teachings of Williamson and Willis in order to allow users to designate categories of information in which desired content may be presented (Willis, Paragraph 0003). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant additionally argued that *"claim 16 includes subject matter analogous to that of claims 1, 18, and 19 and is therefore patentable for at least the same reasons set*

forth above in support of the patentability of claims 1, 18, and 19" (Applicant's arguments, page 13 fourth paragraph).

In response, it is pointed out that, as discussed in details above, the combination of Williamson and Willis teaches each and every limitation/feature of claims 1, 18, and 19 and, as such, claim 16 is similarly unpatentable over the combination of Williamson and Willis.

Applicant also argued that "as for claims 2 to 15 and 20, which ultimately depend from claim 1 and therefor include all of the features recited in claim 1, it is respectfully submitted that the combination of Williamson et al., and Willis et al., dose not render unpatentable these dependent claims for the same reasons set forth above in support of the patentability of claim 1" (Applicant's argument, Page 13, fifth paragraph).

In response, it is pointed out that, as discussed in details above, the combination of Williamson and Willis teaches each and every limitation/feature of claims 1, 18, and 19 and, as such, any dependent claims of said independent claims are rendered unpatentable by the combination of Williamson and Willis.

Referring to claim 23, Applicant argued that "None of the cited sections (or any other section) of Williamson et al., or Willis et al., disclose or suggest a schedule including scheduling information exclusively regarding a selected title. Further, claim 23 has been amended to recite that the schedule includes scheduling information pertaining to multiple ones of the plurality of media distribution source types. The cited references do not disclose scheduling information regarding a selected title that pertains to multiple media distribution source types. For these additional reasons, the

combination of Williamson et al. and Willis et al. does not disclose or suggest all of the features of claim 23, and therefore does not render unpatentable claim 23 for these additional reasons" (Applicant's argument, page 13 sixth paragraph).

In response, it is pointed out that William in view of Willis as a combination teaches each and every limitation of claim 23 as follows: As per claim 23, Williamson in view of Willis teaches the limitations: **"generating from the results of the searching an intermediate result page including a plurality of media content titles of the results"** (Willis, Paragraph 0125, i.e., *FIG. 8 demonstrates an example of an HTML result page 800 that includes article 700. Page 800 is generally organized like a newspaper front page, having a headline 805 (which in this case indicates the enterprise sponsoring the page). A main story 810, corresponding to article 700, is shown in the upper middle portion of the page. A section 815 shows current levels of the Dow Jones, NASDAQ, and S&P 500. The rest of page 800 includes additional hypothetical articles not previously described; Willis' HTML result page maps to the intermediate result page of the claimed invention); **"wherein the schedule is generated"** (Williamson, Figures 12, 13, and 14, and Paragraph 0079, i.e., *For example, by pressing guide key 920 on remote control 900 while viewing a program channel display 1010 in FIG. 12 (which may be a live or played back TV show, movie, music video, service or the like), a user may access interactive program guide 1020, which includes program viewing window 1040, current time and channel indicator 1045, program description box 1050, program grid 1060 and menu display 1065)**

"responsive to a selection of one of the titles of the intermediate results page"

(Willis, Paragraph 0126, i.e., *The filtering, sorting, prioritizing, and paginating processes already described determine whether an article is displayed in full size (for example, article 700 in section 810), simply as a link (for example, links within sections 820, 825, 830, 835, 840, and 850, which are shown grouped together with similar articles), with a "more" link (not shown) that does not include any details but allows access to additional articles*) and "includes scheduling exclusively regarding the selected title" (Williamson, Paragraph 0099, i.e., *Through the user interface, users can then search program data for content that matches the criteria in a user's profile and return the results to the user's lists of Favorite programs*). Note that in the method of Williamson in view of Willis as a combination, a user can select a title (Williamson) from the intermediate result page (Willis) which includes links which could be selected to access more results, that is, generate schedule (s) (as taught by Williamson) **"and pertaining to multiple ones of the plurality of media distribution source types"**

(Willis, Paragraph 0003, i.e., *Such sites are generally known as "portals," and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their stocks, mail, local weather, sports scores, and movie listings*; Paragraph 0015, i.e., *In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television*; Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles*

may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below; and Paragraph 0094, i.e., One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard).

Referring to claim 25, Applicant argued that "As further regards claim 25, the claim recites that "the user profile identifies, for each of a plurality of source types, respective preferred media distribution sources." The Office Action refers to pars. 0084 and 0102 of Williamson et al. as assertedly disclosing this feature. The cited sections of Williamson et al. are unrelated to preferred media distribution sources. Moreover, the Office Action apparently intends to refer to currently broadcast and upcoming programs as disclosing a plurality of source types. However, the cited sections of Williamson et al. do not disclose identification of respective preferred distribution sources for the currently broadcast programs and upcoming programs. For this additional reason, the combination of Williamson et al. and Willis et al. does not disclose or suggest all of the features of claim 25, and therefore does not render unpatentable claim 25 for this additional reason" (Applicant's argument, page 13 last paragraph through page 14 first paragraph).

In response, it is pointed out that Williamson in view of Willis as a combination teaches "the user profile identifies, for each of a plurality of source types, respective

preferred media distribution sources" (Williamson, Paragraph 0102, i.e., *Referring to FIG. 16, a user may create a new profile by using select key 960 of remote control 900 to select the "Create New Profile" link from Favorites submenu 1420 to display search parameters from which a user may choose (1450). These parameters may include programming category, actor(s) name, program title, director, keyword and the like;* Paragraph 0102, i.e., *Similarly, a user may create a profile which provides a user access to all available programming on a certain topic. For example a **profile relating to cooking may include in-progress broadcasts, past broadcasts and out-of-market cooking programs.** In such circumstances, the user may associate a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations", etc.) and access each of the multiple profiles at different times; and Paragraph 0084, i.e., .. My Shows GUI 1100B lists several categories to assist a user in locating a program through the My Shows feature. Some of these categories may be temporal in nature; that is, a user's reserved programs may be categorized by those programs that are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future) or by the reservation date of the program. In one embodiment of the invention, programs that are categorized by reservation date are listed in chronological order beginning with shows that have been most recently reserved (1100C) or in reverse chronological order); Willis, Paragraph 0003, i.e., Such sites are generally known as "**portals,**" and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings;***

Paragraph 0015, i.e., *In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television*; Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below*; and Paragraph 0094, i.e., *One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard*

Applicant also argued that that *“as for claim 17, which depends from claim 16 and therefor include all of the features recited in claim 16, it is respectfully submitted that the combination of Williamson et al., and Willis et al., dose not render unpatentable this dependent claim for the same reasons set forth above in support of the patentability of claim 16”* (Applicant's argument, Page 14, second paragraph).

In response, it is pointed out that, as discussed in details above, the combination of Williamson and Willis teaches each and every limitation/feature of claims 1, 18, and 19 as well as claim 16 and, as such, any dependent claims of said independent claims are rendered unpatentable by the combination of Williamson and Willis.

Applicant also argued that that *“as for claim 21, which depends from claim 18 and therefor include all of the features recited in claim 18, it is respectfully submitted*

that the combination of Williamson et al., and Willis et al., dose not render unpatentable this dependent claim for the same reasons set forth above in support of the patentability of claim 18" (Applicant's argument, Page 14, third paragraph).

In response, it is pointed out that, as discussed in details above, the combination of Williamson and Willis teaches each and every limitation/feature of claims 1, 18, and 19 as well as claim 16 and, as such, any dependent claims of said independent claims are rendered unpatentable by the combination of Williamson and Willis.

Applicant also argued that that "as for claim 22, which depends from claim 19 and therefor include all of the features recited in claim 19, it is respectfully submitted that the combination of Williamson et al., and Willis et al., dose not render unpatentable this dependent claim for the same reasons set forth above in support of the patentability of claim 1" (Applicant's argument, Page 13, fourth paragraph).

In response, it is pointed out that, as discussed in details above, the combination of Williamson and Willis teaches each and every limitation/feature of claims 1, 18, and 19 as well as claim 16 and, as such, any dependent claims of said independent claims are rendered unpatentable by the combination of Williamson and Willis.

Referring to claim 26, Applicant argued that *"The Office Action refers to sections 820 and 860 of figure 8 of Willis et al. as assertedly disclosing the recited first and second sections, respectively. However, Applicants fail to understand how section 820 is considered to include information of results that applies to all media distribution source types, while section 860 is considered to include information of results obtained from a respective one of the media distribution source types. Instead, it appears that*

section 820 includes information obtained from one source, while section 860 includes information obtained from a different source. Further, what the Office Action intends to refer to as assertedly disclosing a media distribution source type for which the section 860 is provided is also not apparent” (Applicant’s argument, page 14 last paragraph through page 15 first paragraph).

In response, it is pointed out that Willis teaches “first and section sections” of claim 26 as follows: **“generating, from results of the searching, a result page including a first section having information of the results that applies to all of the media distribution source types from which the results were obtained”** (Willis, Figure 8 and Paragraph 0126, i.e., *“The filtering, sorting, prioritizing, and paginating processes already described determine whether an article displayed in full size (for example, article 700 in section 810), simply as a link (for example, links within sections 820, 825, 830, 835, 840, and 850, which are show grouped together with similar articles), with a more “link” (not show) that does not include any details but allows access to additional articles, or not at all (in case there is no room on the screen). The rules under which the articles are rendered generally take into accounts both subjective (that is , according to user preferences) and objective (that is , according to the author) levels of importance assigned to each article and its content); Note that inks within sections 820, 825, 830, 835, 840, and 850, which are show grouped together with similar articles maps “a first section” of claim 26) , and, “for each of the media distribution source types from which the results were obtained, a*

respective second section having all of the results obtained from the respective media distribution source type" (Willis, Figure 8 and paragraph 127, i.e., *In Fig 8, the highest-ranking article occupies a central location. If two or more articles are categorized as highest ranking, then a number of options are available for deciding how and whether to display them. Examples include: (i) one article could be selected, at random or otherwise, (ii) all, or some, of the articles could be rotated in and out of the page (which uses time slicing as well as real estate allocation), (iii) if there is enough space, then all of the articles could be displayed, or at least part of each of them, for example, by giving each article the same amount of space or allocating space based on priority, and (iv) one article could be selected for full, or primary display, and the others could be identified with links indicating title of the article or with a "more" link*"); Note that Figure 8 only one of a plurality of possible display layouts. If there is enough space on the screen, the method and system of Willis displays a first section containing similar articles grouped together as links (as in **"inks within sections 820, 825, 830, 835, 840, and 850, which are show grouped together with similar articles"** of the exemplary Figure 8) and all or part of each article would be displayed in the second section, which are obtained from respective media distribution source).

Referring to claim 27 Applicant argued that *"the cited sections do not disclose or suggest search for content in accordance with a purchase history"* (Applicant's argument, page 15 fourth paragraph).

In response, it is pointed out that Williamson in view of Willis teaches: *"the searching begin in accordance with at least one of a user viewing history and a*

*user purchase history” (Paragraph 0084, i.e., .. My Shows GUI 1100B lists several categories to assist a user in locating a program through the My Shows feature. Some of these categories may be temporal in nature; that is, a user's reserved programs may be categorized by those programs that are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future) or by the reservation date of the program. In one embodiment of the invention, programs that are categorized by reservation date are listed in chronological order beginning with shows that have been most recently reserved (1100C) or in reverse chronological order; Williamson, Paragraph 0102, i.e., Similarly, a user may create a profile which provides a user access to all available programming on a certain topic. For example a profile relating to cooking may include in-progress broadcasts, past broadcasts and out-of-market cooking programs. In such circumstances, the user may associate a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations", etc.) and access each of the multiple profiles **at different times**). Note the claim language “**at least one of**” which limits either one of “a user viewing history” or “a user purchase”, in which case the Examiner contends that Willis teaches “a user viewing history”.*

Referring to claim 29, Applicant argued that “*Claim 29 includes subject matter analogous to that of claim 1 and is therefore allowable at least essentially the same reasons as claim 1*” (Applicant's argument, page 15 sixth paragraph).

In response, Applicant is directed to the response regarding claim 1 above, which clearly discusses how Williamson in view of Willis teaches the features in question.

In view of the above, the examiner contends that all limitations as recited in the

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claims have been addressed in this Action. For the above reasons, Examiner believed that rejection of the last Office Action and Current Office Action are proper.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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